

MISSOULA DIVISION

RYAN DEAN GABRIEL,)	Civil No. CV-24-118-M-JTJ
)	
Plaintiff,)	PLAINTIFF’S RESPONSE TO
)	DEFENDANTS’ MOTIONS TO
vs.)	DISMISS / PLAINTIFF’S
)	ANSWER TO DEFENDANTS’
)	RESPONSE BRIEF OPPOSING
DORINDA SUE GRAY, et al)	MOTION FOR LEAVE TO
)	AMEND COMPLAINT
Defendants.)	
)	[CORRECTED]

The Plaintiff, RYAN DEAN GABRIEL, hereby responds to Defendants’ Response Brief Opposing Motion for Leave to Amend Complaint filed herein on October 22, 2024, and all previously filed Motions to Dismiss filed up to this date. Plaintiff takes issue with the Defendants’ argument that “the Plaintiff’s proffered amended complaint does nothing to change the fact that there is no diversity of citizenship between the parties. See (Doc. 18) (merely altering certain Defendants’ names).”. The Defendants argue principally that this jurisdictional defect renders Plaintiff Mr. Gabriel’s motion futile.

On the contrary, curing the name of Defendant (from TITLE INSURANCE CORPORATION to TITLE FINANCIAL CORPORATION) by itself cures the jurisdictional defect, as the now-correctly identified corporation is headquartered in

1 Idaho. As Plaintiff Mr. Gabriel wrote in his Motion for Leave to File Amended
2 Complaint on October 20, 2024: “Plaintiff Mr. Gabriel agrees with this statement,
3 and further notes the correct parent company of Insured Titles, LLC and Flying S
4 Title and Escrow of Montana, Inc. is Title Financial Corporation located at 195 S
5 Broadway in Blackfoot, ID. 83221. Therefore, the Defendant ‘TITLE
6 INSURANCE CORPORATION /DBA INSURED TITLES’ should be instead
7 identified by its correct name: ‘TITLE FINANCIAL CORPORATION /DBA
8 INSURED TITLES’.”
9
10

11
12 Beyond the foregoing, Mr. Gabriel was a Washington State resident until
13 2022 and was a Washington State resident when the underlying civil lawsuit that is
14 now the subject of this Federal Complaint for Injunctive and Declaratory Relief was
15 first brought against Plaintiff Mr. Gabriel on March 15, 2022, in the State of
16 Oregon. Therefore, this is a Federal issue as there is clearly full diversity of
17 jurisdiction at all times wherein Mr. Gabriel’s Fourteenth Amendment rights have
18 been violated under the U.S. Constitution, 42 U.S.C. § 1983.
19
20

21 This Court has subject matter jurisdiction pursuant to Article III of the U.S.
22 Constitution and 28 U.S.C. §§ 1331, because this case arises under the Fourteenth
23 Amendment to the United States Constitution and because Plaintiff Mr. Gabriel
24 seeks redress of his civil rights under 28 U.S.C. § 1343.
25
26

27 **CONCLUSION**

28

1 Plaintiff Mr. Gabriel therefore believes he has properly sought leave of this
2 Court to amend the instant Complaint pursuant to Fed. R. Civ. P. 15 to make this
3 slight modification to the identified Defendant's name, and in order to conform with
4 Defendants' instant brief in support of their October 4, 2024, motion.
5

6 DATED this 31st Day of October, 2024.
7

8
9 

10
11

Ryan Dean Gabriel, *Pro Se*
12 2000 Blacktail Road, #1140
13 Lakeside, MT 59922

14 Tel: (206) 391-9886 m.
15 Tel: (403) 606-5859 m.
rgabriel@zurccapital.com

16 ***
17

18 CERTIFICATE OF COMPLIANCE

19 Pursuant to Local Rule 7.1(d)(2)(E), I certify that this Motion for Leave is
20 printed with proportionately spaced Times New Roman text typeface of 14 points;
21 is double-spaced, and the word count, calculated by Microsoft Word for Microsoft
22 365 MSO, is 314 words long, excluding Caption, Certificate of Service and
23 Certificate of Compliance.
24
25

26 ***
27

28 CERTIFICATE OF SERVICE

1 I hereby certify that true and correct copies of the foregoing Objection, the
2 referenced and other documents indicated above were served upon the opposing
3 parties on this 31st Day of October, 2024, by the method an at the address as
4 indicated below:
5

6
7 Robert C. Lukes
8 Alan F. McCormick
9 GARLINGTON, LOHN & ROBINSON, PLLP
10 350 Ryman Street • P. O. Box 7909
11 Missoula, MT 59807-7909
12 Phone (406) 523-2500
13 Fax (406) 523-2595
14 rclukes@garlington.com
15 afmccormick@garlington.com

16 Attorneys for Frederick J. “Fritz” Groenke,
17 Dorinda Sue Gray, Insured Titles, LLC, and
18 Flying S Title and Escrow of Montana, Inc.

19 ***

20 Susan G. Ridgeway
21 HALL & EVANS, LLC
22 Millennium Building
23 125 Bank Street, Suite 403
24 Missoula, Montana 59802
25 Telephone: (406) 541-8882
26 Fax No: (406) 519-2035
27 ridgeways@hallevans.com
28 Attorneys for Defendant Taylor Kai Gronke
